

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re CIM-SQ Transfer Cases,

Case No. [22-mc-80066-WHO](#)

**Re Case Nos.** 22-cv-04482, *Jackson v. Newsome et al.*; 23-cv-00783, *Brown v. Broomfield et al.*

**ORDER GRANTING MOTION FOR  
CERTIFICATION OF A FINAL  
JUDGMENT**

Re: Dkt. No. 191

Defendant J. Clark Kelso<sup>1</sup> moves under Rule 54(b) of the Federal Rules of Civil Procedure for an order certifying as a final judgment the Court's November 21, 2023 Order Adopting July 15, 2022, and July 21, 2022 Orders For Pro Se Cases finding that "J. Clark Kelso is immune from the claims in these cases and shall be DISMISSED from Case Nos.: 22-cv-04482, *Jackson v. Newsome et al.*; 23-cv-00783, *Brown v. Broomfield et al.*" Dkt. No. 180.

As of the date of this Order, no defendant and no plaintiff in any of the cases identified in the caption has objected to Kelso's motion. Kelso's motion is GRANTED in the interest of justice. All three requirements for the certification of a partial judgment under Rule 54(b) are satisfied: (1) the case consists of multiple claims and parties; (2) the Court has rendered a final decision on at least one of those claims – the defense of quasi-judicial immunity that is unique to the federal Receiver and distinct from the immunity defenses asserted by the other defendants; and (3) there is no "just reason" to delay the appeal of the claim(s) already decided as to Receiver, especially considering the Receivership's interest in resolving all outstanding claims against Receiver at the earliest possible opportunity so that the prison medical system can be returned to

<sup>1</sup> Kelso is the Receiver of the California prison medical healthcare system appointed by the Court in *Plata v. Newsom*, Case No. 4:01-cv-01351 JST (N.D. Cal.) (referred to hereafter as "Receiver" or "Kelso").

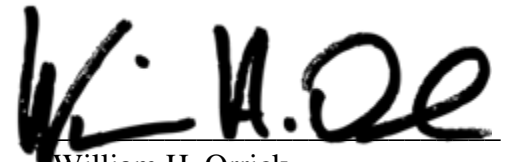
1 the State as quickly as feasible and without lingering claims and potential liabilities. *Sears,*  
2 *Roebuck & Co. v. Mackey*, 351 U.S. 427, 434 (1956); *Jordan v. Pugh*, 425 F.3d 820, 826 (10th  
3 Cir. 2005).

4 Accordingly, the Court certifies as a final judgment as to the Receiver its November 21,  
5 2023 Order covering the cases identified in the caption.

6 Entry of judgment shall be immediately entered as to Receiver J. Clark Kelso, individually  
7 and/or in his official capacity (where appropriate) as Receiver for the California prison medical  
8 health care system in 22-cv-04482, *Jackson v. Newsome et al.*; 23-cv-00783, *Brown v. Broomfield*  
9 *et al.*

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11 **IT IS SO ORDERED.**

12 Dated: February 16, 2024

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William H. Orrick  
United States District Judge